

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6424**

**BILL NUMBER:** HB 1052

**NOTE PREPARED:** Feb 22, 2008

**BILL AMENDED:** Feb 21, 2008

**SUBJECT:** Motorist Duties at Accident Scenes.

**FIRST AUTHOR:** Rep. Neese

**FIRST SPONSOR:** Sen. Riegsecker

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill does the following.

*Examination for Learner's Permit:* The bill requires an examination for a learner's permit to test the applicant's knowledge of the duty to stop and provide assistance.

*Driver's Duty at Accident Scene:* The bill provides that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle. (Under current law, the law applies only if the accident results in the injury or death of a person.)

*Passenger's Duty at Accident Scene:* The bill also provides that if the driver is physically incapable of notifying the appropriate law enforcement agency or rendering reasonable assistance, the duty to notify or to render reasonable assistance is imposed on a passenger in the driver's vehicle who is capable of discharging the duty if the passenger:

- (1) at least 15 years of age and holds a learner's permit or driver's license; or
- (2) at least 18 years of age.

*Class C Misdemeanors:* It provides that a passenger commits a Class C misdemeanor if the passenger fails to notify or to render reasonable assistance when the duty is imposed upon the passenger. It also provides that a person who knowingly, intentionally, or recklessly violates the law requiring a driver or a passenger to take certain actions at the scene of an accident commits a Class C misdemeanor.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** (Revised) The bill would have minimal fiscal impact on the Bureau of Motor Vehicles (BMV) to test the knowledge of an applicant for a learner's permit concerning the duties imposed at the scene of an accident.

**Background:** For FY 2007, the BMV spent \$279,000 for forms which would include written tests of applicants for learner's permits.

**Explanation of State Revenues:** There are no data available to indicate if additional offenders may be convicted of a Class C misdemeanor for violating provisions concerning injury accidents if entrapment of a person in the vehicle is added to the definition. Also, there are no data available to indicate how many passengers may be convicted of a Class C misdemeanor for failing to report or render reasonable assistance in the event that the driver of the vehicle is incapable of doing so.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$17), the public defense administration fee (\$3), the court administration fee (\$3), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

On average between 2001 and 2005, there were 91 offenders a year found guilty of failing to stop at an accident with injuries and 138 offenders found guilty of leaving the scene of a vehicle accident.

**Explanation of Local Expenditures:** A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.